

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

Harvey Newkirk,

Defendant.

Order of Restitution

S2 14 Cr. 354 (JSR)

Upon the application of the United States of America, by its attorney, Preet Bharara, United States Attorney for the Southern District of New York, Andrew C. Adams, Assistant United States Attorney, of counsel; the presentence report; the Defendant's conviction on Count Two of the above Superseding Indictment (the "Indictment"); and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution. Harvey Newkirk, the Defendant, shall pay restitution in the total amount of \$3,100,000 to the victims of the offenses charged in Count Two of the Indictment. The names, addresses, and specific amounts owed to each victim are set forth in the Schedule of Victims attached hereto. Upon advice of a change of address, the Clerk of the Court is authorized to send payments to the new address without further order of this Court.

2. Joint and Several Liability. Defendant's liability for restitution shall be joint and several with that of any other defendant ordered to make restitution for the same offense in this matter, specifically co-defendant Calvin R. Darden, Jr., and any other co-defendant in the above-captioned case for whom an order of restitution is entered at any time hereafter. The Defendant's liability for restitution shall continue unabated until either the Defendant has paid the full amount of restitution ordered herein, or every victim has been paid the total amount of his loss from all the restitution paid by the Defendant and/or any co-defendant in this matter.

09.10.2013

3. **Third-Party Compensation.** To the extent that any person has previously provided compensation to the victims identified on the attached Schedule of Victims in any amount compensable pursuant to this Order, the victim-recipient of restitution payments pursuant to this Order shall forward such payments to any such third-party source of compensation, pursuant to 18 U.S.C. § 3664(j)(1).

_____, 2016

HON. JED S. RAKOFF
UNITED STATES DISTRICT JUDGE

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Schedule of Victims

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Name	Amount of Restitution
Open Gate Capital	\$3,100,000.00
TOTAL:	\$3,100,000.00

09.10.2013